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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
NGUYEN, JIMMY H	
ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
07/20/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentprocurement@perkinscoie.com

Office Action Summary	Application No.	Applicant(s)	
	09/328,053	FLACK ET AL.	
	Examiner	Art Unit	
	JIMMY H. NGUYEN	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 April 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6-29,32,34-55,58-81 and 99-101* is/are pending in the application.

4a) Of the above claim(s) *23-29,47-50,52-54,75-81,99 and 100* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6-22,32,34-46,51,55,58-74 and 101* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is made in response to applicant's amendment filed on 04/30/2010.

2. Claims 23-29, 47-50, 52-54, 75-81, 99 and 100 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species IV and V, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 07/09/2009. Claims 1-3, 6-22, 32, 34-46, 51, 55, 58-74 and 101 are considered as follows:

Specification

3. The amendment filed 4/8/2002 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the paragraph inserted after page 11, line 30 includes at least features, "planar motion" and "translational movement includes movement measured in other types of coordinate systems including, but are not limited to cylindrical or spherical", which were not disclosed in the original disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-3, 6-22, 32, 34-46, 51 and 101 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As to claims 1 and 32, these claims recite a limitation, "**the zoom is implemented by an accelerometer**" in line 10 of claim 1 and line 11 of claim 32, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Further, as best understood in light of the original disclosure (Figs. 4, 7-9), the motion sensor (116), such as an accelerometer, senses the motion of the handheld computer (20) or the display device (28) and the processor is coupled to the sensor and implements the zooming operation based upon the sensed data received from the sensor. In other words, the processor, but not the accelerometer, implements the zoom.

Accordingly, the original disclosure does not contain such description and details regarding to the above underlined limitation of these claims, so as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As to claims 2, 3, 6-22, 34-46 and 51, since these claims depend upon either claim 1 or claim 32, these claims are therefore rejected for the same reason set forth in claims 1 and 32 above.

As to claim 101, when this claim is read together with independent claim 55, this claim recites a computer system comprising "three accelerometers" and "a gyroscope". However, the hand held computer system, comprising both "three accelerometers" and "a gyroscope", was not

described in original disclosure in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

6. Claim 34 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. A "**rotational sensor**" or a "**gyroscope**" is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). In the instant application, the original disclosure, specifically Fig. 13 and the specification at page 12, lines 1-8, explicitly discloses a rotational sensor, e.g., a gyroscope, included in the computer 20, for tracking rotation of the computer in order to enable a 2-D display to be rotated in 3-D space to present various viewpoints of a 3-D database within the device (i.e., "an orientation of the portion displayed is redefined in response to a request by a user" of this claim).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 55, 68, 71 and 72 are rejected under 35 U.S.C. 102(e) as being anticipated by Singh et al. (US 6,400,376 B1), hereinafter Singh.

As to claim 55, Williams discloses a hand-held computer system (a hand-held data processing device 10; Fig. 1, 2) comprising:

a processor (a processor 14; Fig. 1; col. 4, line 7) ;

a motion detector (a sensor 22; Fig. 1; col. 4, line 49) internal to the hand-held computer system (Fig. 1; col. 4, lines 49-51), the motion detector (22) including three accelerometers each in orthogonal arrangement with one another (col. 4, lines 49-58; col. 5, lines 4-8);

a display device (a screen 24; Fig. 1; col. 4, line 25) coupled to the processor (14) (Fig. 1); and

a computer readable medium (a memory 16; Fig. 1; col. 4, line 9) coupled to the processor (14), the computer readable medium (16) having computer executable instructions (programs; col. 4, lines 6-10) for:

displaying a portion of an object on the display device (Fig. 3);

detecting, by the motion sensor (22) internal to the computer system, translational movement of the hand-held computer system (col. 4, lines 49-58); and

updating the portion of the object that is displayed on the display device in a manner correlated to the translational movement of the hand-held computer system detected by the accelerometer (Fig. 3; col. 5, lines 50-54; col. 7, lines 21-26).

Accordingly, all limitations of this claim are read in the Singh reference.

As to claim 68, Singh discloses the hand-held computer system is a PDA (col. 1, lines 36-39; col. 4, lines 18-20).

As to claims 71-72, Singh discloses that the visual information generated by the computer system includes multiple application windows and a first window of the multiple application windows corresponds to a first application executing upon the computer system (Figs. 3-4; col. 1, lines 20-33; col. 7, lines 1-51; col. 8, lines 1-13).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1, 2, 14-16, 19, 20 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singh, and further in view of Small et al. ("Design of Spatially Aware Graspable Displays", cited in IDS dated 05/11/2009), hereinafter Small.

As to claim 58, Singh discloses all limitations of this claim except for "computer executable instructions for updating a virtual magnification of the portion of the object that is displayed in a manner correlated to the translational movement of the display device."

However, Small discloses a related hand held computer system (a hand held newspaper; Fig. 4) comprising computer executable instructions for zooming out the displayed portion to give the reader an overview of many new stories (i.e., the "claimed" object) and zooming in to give the reader a detailed particular story (i.e., a portion of the "claimed" object) (see page 368,

right column, a paragraph beginning with "In addition"). Accordingly, Small discloses "updating a virtual magnification of the portion of the object that is displayed in a manner correlated to the translational movement of the display device. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the above mentioned instruction in the computer readable medium of Singh, in view of the teaching in the Small reference, because this would allow the user to overview the object and to detail a particular potion of the object, as taught by the Small reference (see page 368, right column, a paragraph beginning with "In addition").

As to claims 1-2, see the rejection to claims 55 and 58 above.

As to claim 14, Singh discloses the display device (24) and the computer system (10) formed a single computer device (10) provided to a user of the computing device (Fig. 1, 2).

As to claims 15-16, Singh discloses the hand-held computer system being a PDA (col. 1, lines 36-39; col. 4, lines 18-20).

As to claims 19-20, Singh discloses that the visual information generated by the computer system includes multiple application windows and a first window of the multiple application windows corresponds to a first application executing upon the computer system (Figs. 3-4; col. 1, lines 20-33; col. 7, lines 1-51; col. 8, lines 1-13).

11. Claims 3, 6-13, 21, 22, 32 and 34-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singh in view of Small, and further in view of DeLorme et al. (US 6,321,158 B1), hereinafter DeLorme.

As to claim 3, as discussed in the above rejection to claim 58, Singh in view of Small discloses updating a virtual magnification of the portion of the object that is displayed in a

manner correlated to the translational movement of the display device. Singh and Small does not disclose "the computer executable instructions for updating a virtual magnification of the portion of the object that is displayed in response to a command entered into the computer system by a user of the hand-held computer system."

However, DeLorme discloses a related hand held computer system (a Palm top O7 or a PDA O1; see Fig. 1A1) comprising computer executable instructions for updating a virtual magnification of the portion of the object that is displayed in response to a command entered into the computer system by a user of the hand-held computer system (col. 26, lines 46-47). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the computer executable instructions for updating a virtual magnification of the portion of the object that is displayed in response to a command entered into the computer system by a user of the hand-held computer system, in the computer readable medium of the Singh reference, in view of the teaching in the DeLorme reference, because this would provide the user another option to zoom in and out among the object scales, as taught by the DeLorme reference (see col. 26, lines 44-47).

As to claim 6, as discussed in the above rejection to claim 55, Singh discloses the application enabling navigation through a virtual page (40) in response to movement of the display device (Fig. 3; col. 5, lines 50-54). Accordingly, Singh in vie of Small discloses all limitations of this claim except for "the application being a physical map application providing a virtual map and a visual navigation through the virtual map", as claimed.

However, DeLorme discloses a related hand held computer system (a Palm top O7 or a PDA O1; see Fig. 1A1), wherein the visual information generated by the hand-held computer system includes multiple application windows (any of Figs. 1B-1D, 1G, 1J-1M, 1O, 1P), a first window of the multiple application windows corresponds to a first application executing upon the hand-held computer system, the first application executing upon the computer system is a physical map application (any of Figs. 1B-1D, 1G, 1J-1M, 1O, 1P), and a system enables a visual navigation through the virtual map (Fig. 1B; Abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the physical map application in the computer system of Singh, in view of the teaching in DeLorme, because this would provide a physical map application to a user in accordance with a particular application.

Note that since Singh discloses the application enabling navigation through a virtual page (40) in response to movement of the display device (Fig. 3; col. 5, lines 50-54) and DeLorme discloses the physical map application enabling visual navigation through a physical map (col. 26, lines 48-40), the combination of Singh in view of Small and DeLorme discloses "the physical map application enabling visual navigation through the virtual map in response to the movement of the display device" of this claim.

As to claim 7, DeLorme discloses the navigation capability of the physical map including north, south, east, and west directional navigation through the virtual map (Fig. 1B; col. 26, lines 48-50).

As to claims 8 and 11, DeLorme discloses that the navigation capability of the physical map further includes a scalabitity feature allowing adjustment of the scalability of the physical map in order to provide a viewer of the display device views of the physical map having different magnifications (Fig. 1B; col. 26, lines 44-60).

As to claims 9 and 12, Small discloses a scalability feature being controlled according to the translational movement of the display device (see page 368, right column, a paragraph beginning with "In addition").

As to claims 10 and 13, DeLorme discloses the scalability feature controlled by user input (Fig. 1B; col. 26, lines 44-60).

As to claims 21-22, see the rejection to claim 6.

As to claim 32, since all limitations of these claims are recited in claims 6 and 15, these claims are therefore rejected for the same reason set forth in claims 6 and 15.

As to claim 34, as noting at col. 26, lines 44-60, DeLorme further discloses an orientation of the portion displayed refined when the user presses on the buttons (131), i.e., in response to a request by a user.

As to claim 35, further see the rejection to claim 2 above.

As to claim 36, further see the rejection to claim 3 above.

As to claim 37, further see the rejection to claim 6 above.

As to claim 38, further see the rejection to claim 7 above.

As to claim 39, further see the rejection to claim 8 above.

As to claim 40, further see the rejection to claim 9 above.

As to claim 41, further see the rejection to claim 10 above.

As to claim 42, see the rejection to claim 11 above.

As to claim 43, further see the rejection to claim 12 above.

As to claim 44, further see the rejection to claim 13 above.

As to claim 45, further see the rejection to claim 16 above.

12. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singh in view of Small, and further in view of Detlef (US 6,178,403 B1).

As to claims 17 and 18, as discussed in the rejection above, Singh in view of Small discloses all limitations of these claims except for a handwriting recognition capability and a voice recognition capability of these claims.

However, Detlef teaches a PDA having handwriting recognition capability and voice recognition capability for user entering data to the computer (see col. 1 lines 24-40; col. 2, lines 8-31). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide handwriting recognition capability and voice recognition capability in the computer system of Singh, in view of the teaching in the Detlef reference, because this would enable the user to enter data to the computer system by speaking or writing to the system, as taught by the Detlef reference (see col. 1 lines 24-40; col. 2, lines 8-31).

13. Claims 46 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singh in view of Small and DeLorme, and further in view of Detlef (US 6,178,403 B1).

As to claims 46 and 51, see the above rejection to claims 17-18.

14. Claims 59-62, 64, 65, 67, 73 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singh, and further in view of DeLorme et al. (US 6,321,158 B1), hereinafter DeLorme.

As to claim 59, Singh discloses all limitations of this claim except for the computer executable instructions for updating a virtual magnification of the portion of the object that is displayed in response to a command entered into the computer system by a user of the hand-held computer system.

However, DeLorme discloses a related hand held computer system (a Palm top O7 or a PDA O1; see Fig. 1A1) comprising computer executable instructions for updating a virtual magnification of the portion of the object that is displayed in response to a command entered into the computer system by a user of the hand-held computer system (col. 26, lines 46-47). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the computer executable instructions for updating a virtual magnification of the portion of the object that is displayed in response to a command entered into the computer system by a user of the hand-held computer system, in the computer readable medium of the Singh reference, in view of the teaching in the DeLorme reference, because this would provide the user an option to zoom in and out among the object scales, as taught by the DeLorme reference (see col. 26, lines 44-47).

As claim 60, as discussed in the rejection to claim 55, Singh discloses the application enabling navigation through a virtual page (40) in response to movement of the display device (Fig. 3; col. 5, lines 50-54). Accordingly, Singh discloses all limitations of this claim except that Singh does not disclose the application being a physical map application providing a virtual map, as claimed.

However, DeLorme discloses a related hand held computer system (a Palm top O7 or a PDA O1; see Fig. 1A1), wherein the visual information generated by the hand-held computer system includes multiple application windows (any of Figs. 1B-1D, 1G, 1J-1M, 1O, 1P), a first window of the multiple application windows corresponds to a first application executing upon the hand-held computer system, and the first application executing upon the computer system is a physical map application (any of Figs. 1B-1D, 1G, 1J-1M, 1O, 1P). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the physical map application in the computer system of Singh, in view of the teaching in DeLorme, because this would provide a physical map application to a user in accordance with a particular application.

Note that since Singh discloses the application enabling navigation through a virtual page (40) in response to movement of the display device (Fig. 3; col. 5, lines 50-54) and DeLorme discloses the physical map application enabling visual navigation through a physical map (col. 26, lines 48-40), the combination of Singh and DeLorme discloses "the physical map application enabling visual navigation through the virtual map in response to the movement of the display device" of this claim.

As to claim 61, DeLorme discloses the navigation capability of the physical map including north, south, east, and west directional navigation through the virtual map (Fig. 1B; col. 26, lines 48-50).

As to claims 62 and 65, DeLorme discloses that the navigation capability of the physical map further includes a scalabitity feature allowing adjustment of the scalability of the physical

map in order to provide a viewer of the display device views of the physical map having different magnifications (Fig. 1B; col. 26, lines 44-60).

As to claims 64 and 67, DeLorme discloses the scalability feature controlled by user input (Fig. 1B; col. 26, lines 44-60).

As to claims 73-74, see the rejection to claim 60.

15. Claims 63 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singh in view of DeLorme, and further in view of Small.

As to claims 63 and 66, Singh discloses the panning feature controlled according to the translational movement of the display device (Fig. 3; col. 5, lines 50-54) and DeLorme discloses the scalability feature (Fig. 1B; col. 26, lines 44-60). Singh and DeLorme does not disclose "the scalability feature being controlled according to the translational movement of the display device" of these claims.

However, Small discloses a related hand held computer system (a hand held newspaper; Fig. 4) comprising a scalability feature being controlled according to the translational movement of the display device (see page 368, right column, a paragraph beginning with "In addition"). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the computer system of Singh to have the scalability feature controlled according to the translational movement of the display device, because this would allow the user to control the scalibility feature in relating the movement of the display device, as taught by the Small reference (see page 367, Abstract), thereby eliminating the zoom buttons (of DeLorme) on the display screen, as obviously recognized by a person of ordinary skill in the art at the time of the invention was made.

16. Claims 69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singh, as applied to claim 68, and further in view of Detlef (US 6,178,403 B1).

As to claims 69 and 70, as discussed in the rejection above, Singh discloses all limitations of these claims except for a handwriting recognition capability and a voice recognition capability of these claims.

However, Detlef teaches a PDA having handwriting recognition capability and voice recognition capability for user entering data to the computer (see col. 1 lines 24-40; col. 2, lines 8-31). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide handwriting recognition capability and voice recognition capability in the computer system of Singh, in view of the teaching in the Detlef reference, because this would enable the user to enter data to the computer system by speaking or writing to the system, as taught by the Detlef reference (see col. 1 lines 24-40; col. 2, lines 8-31).

17. Claim 101 is rejected under 35 U.S.C. 103(a) as being unpatentable over Singh as applied to claim 55, and further in view of Zwern (US 6,127,990).

As to claim 101, Singh further discloses the sensor 22 configured to sense both linear displacement (i.e., translational movement) and angular displacement (i.e., the rotational movement), of the device for varying the certain portion of the object that is displayed on the display device in a manner based on the rotational movement of the display device detected by the sensor (col. 4, lines 49-58). Singh further discloses that a variety of sensors would be suitable for use as the sensor 22, which functions to allow the user to move the device to perform the panning function (see col. 4, lines 59-65). Singh does not explicitly disclose the motion sensor 22 including a gyroscope.

However, Zwern discloses that the benefit of using a gyroscope as a tilt sensor is provide a simple implementation (or design) because the gyroscope outputs differential data representing an angular velocity, the data is digitized using a simple ADC IC, and then used directly for scrolling the imagery (see col. 11, lines 20-36). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to utilize the gyroscope in the computer system of Singh, in view of the teaching in the Zwern reference, because this would require a simple sensing implementation, as taught by the Zwern reference (see col. 11, lines 33-36).

Response to Arguments

18. Applicant's arguments filed 04/30/2010 have been fully considered but they are not fully persuasive as follows:

Applicant's argument with respect to the specification objection in the Office Action dated 10/30/2009 (see page 17 of the amendment) has been fully considered but it is not persuasive because of the same reason set forth above.

With respect to the rejection to claim 34 under 35 USC 112, second paragraph, in the Office Action dated 10/30/2009, the rejection is withdrawn in light of the amendment to claim 34.

With respect to the rejection to claims 4, 5, 33, 34, 56 and 57 under 35 USC 112, first paragraph, as based on a disclosure which is not enabling, in the Office Action dated 10/30/2009, the rejections to claims 4, 5, 33, 56 and 57 are withdrawn in light of the cancellation to these claims. The rejection to claim 34 is maintained. See the above rejection.

With respect to the rejection to claims 4, 5, 33, 56 and 57 under 35 USC 112, first paragraph, as failing to comply with the enablement requirement, in the Office Action dated 10/30/2009, the rejections to claims 4, 5, 33, 56 and 57 are withdrawn in light of the cancellation to these claims.

Applicant's arguments, with respect to the art rejections in the Office Action dated 10/30/2009 regarding to the newly amended claims 1, 32 and 55 (see the amendment filed 04/30/2010, pages 18-23), have been considered but are moot in view of the new ground(s) of rejection.

Examiner notes that since claim 99 has been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species IV and V (see The Office action dated 10/30/2009), this claim should be labeled with "Withdrawn" in the future response.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is 571-272-7675. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 3:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jimmy H Nguyen/

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